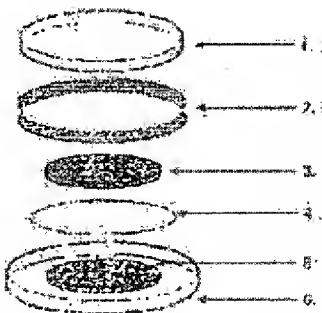


REMARKS

The Title has been amended as required by the Examiner. Claim 1 has been amended stylistically. Claim 5 has been amended to add a punctuation mark.

Turning to the art rejection, claims 1-5 have been rejected under 35 U.S.C. §103 (a) as unpatentable over Japanese Published Patent Application JP 2002-304996 ("Nakahara") in view of United States Patent No. 5777428 to, Farahmandi et al. ("Farahmandi").

Nakahara is referenced in the Background of the above captioned patent application and is commonly owned by Applicants' assignee and with some common named inventors. The reference discloses a nitroxyl power storage device with the construction shown below.



The structure places the cathode 5 directly on the cathode collector (external electrode)

6. As noted in the paragraph bridging pages 1 and 2 of the instant application:

[Nakahara]...has a problem of increasing the resistance of the device. The cause of the problem is that Schottky-type internal resistance is generated between a metal collector such as aluminum or stainless steel and a nitroxyl polymer being an organic semiconductor. As the result, energy loss due to the internal resistance increases.

The instant claimed invention is designed to address, among other problems, the above noted problem. The claimed structure comprises a "cathode collector" comprising a "conductive auxiliary layer comprising carbon as a main component formed and integrated on an aluminum electrode" which is in addition to the cathode (nitroxyl polymer layer 5) and the

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external electrode 7. The primary reference Nakahara doesn't teach this, and the secondary reference Farahmandi fails to supply the missing teachings.

Moreover, this distinction is more than merely academic. As can be seen by comparison of Example 1 to Comparative Example 1, by use of a cathode collector in which a conductive auxiliary layer containing carbon as a main component is formed and integrated on an aluminum electrode, the average discharge voltage of a power storage device is increased, in other words, the internal resistance is decreased (see: line 9 on page 24 to line 8 on page 26; line 10 on page 28 to line 2 on page 29, and lines 21 to 25 on page 31, of the specification).

Farahmandi discloses a capacitor 10 with "composite" (carbon/metal) electrodes, 12, 14, each mounted on a respective "current collector plate," 22, 24. Applicants submit that one faced with the above noted problem in nitroxyl power storage devices would not look to the composite electrode capacitor art for a solution. Even assuming they would, the Examiner has not made out a case of *prima facie* obviousness, since the combination of Nakahara and Farahmandi, as just noted, does not contain all of the elements as claimed in claim 1, in any event.

Claims 2-5, are dependent on claim 1 and are allowable for the same reasons above adduced relative to claim 1, as well as for their own additional limitations.

In response to the Examiner's conditional obviousness double patenting rejection, a Terminal Disclaimer is being filed with this Amendment.

The Examiner's mention of the missing certified copy is noted. However, Applicants note that this application is a national phase of a PCT application. Accordingly, Applicants believe that the certified copy of the underlying Japanese Priority Application should have been supplied by the Japanese PCT receiving Office. Notwithstanding, Applicants will provide a

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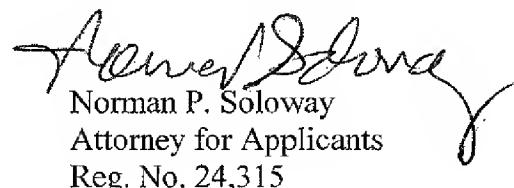
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certified copy of the underlying Japanese application upon confirmation by the Examiner that a certified copy is still needed.

Having addressed the objections and rejections raised by the Examiner, the application is believed to be in order for allowance.

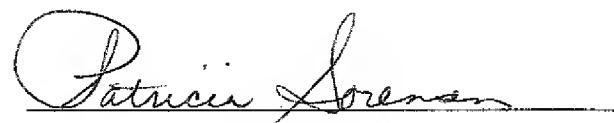
In the event there are any fee deficiencies or additional fees are payable, please charge them (or credit any overpayment) to our Deposit Account Number 08-1391.

Respectfully submitted,


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Reg. No. 24,315

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this paper is being deposited with the United States Patent Office via the electronic filing procedure on July 7, 2009 at Tucson, Arizona.



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